

The Honorable Robert J. Bryan
Trial Date: January 13, 2020

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ERIC KLOPMAN-BAERSELMAN, as
Personal Representative for the Estate of
RUDIE KLOPMAN-BAERSELMAN,
deceased,

Plaintiff,

v.

AIR & LIQUID SYSTEMS CORPORATION,
a Pennsylvania corporation, individually and as
successor-by-interest to BUFFALO PUMPS, *et*
al.,

Defendants.

NO. 3:18-cv-5536

DECLARATION OF DANA C. KOPIJ IN
SUPPORT OF DEFENDANT WEIR
VALVES & CONTROLS USA, INC. d/b/a
ATWOOD & MORRILL CO., INC.'S
MOTION FOR SUMMARY JUDGMENT

ORAL ARGUMENT REQUESTED

**NOTE FOR MOTION CALENDAR:
JUNE 7, 2019**

I, Dana C. Kopij, am an attorney with Williams Kastner & Gibbs, PLLC, counsel of record for Defendant Weir Valves & Controls USA, Inc. d/b/a Atwood & Morrill Co., Inc. (hereinafter, "Weir Valves") in the above captioned matter. I am over the age of eighteen, a U.S. citizen, and am competent to make this declaration.

1. Attached hereto as **Exhibit 1** is a true and correct copy of Plaintiffs' Responses to Style Interrogatories, which was served on or about June 5, 2018.

2. Attached hereto as **Exhibit 2** is a true and correct copy of Plaintiffs' Disclosure of Primary Witnesses, which was served on or about May 7, 2018.

DECLARATION OF DANA C. KOPIJ IN SUPPORT OF
DEFENDANT WEIR VALVES & CONTROLS USA, INC. d/b/a
ATWOOD & MORRILL CO., INC.'S MOTION FOR SUMMARY
JUDGMENT - 1
(Case No. 3:18-cv-5536)

Williams, Kastner & Gibbs PLLC
601 Union Street, Suite 4100
Seattle, Washington 98101-2380
(206) 628-6600

3. Attached hereto as **Exhibit 3** is a true and correct copy of excerpts of the deposition transcript of Muriel Klopman-Baerselman, taken in this matter on or about April 25, 2018.

4. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts of the deposition transcript of Eric Klopman-Baerselman, taken in this matter on or about July 13, 2018.

5. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts of the deposition transcript of Thomas Klopman-Baerselman, taken in this matter on or about December 05, 2018.

6. Attached hereto as **Exhibit 6** is a true and correct copy of excerpts of the deposition transcript of Ray Smith, taken in this matter on or about December 21, 2018.

7. Our office was present for the two sessions of deposition of Steven Klopman on December 12, 2018 and December 13, 2018. I can confirm that Steven Klopman testified that he had no personal knowledge regarding any of the manufacturers, brand names, or trade names of any products that Decedent would have worked with while employed by the Royal Dutch Navy, the Merchant Marines, Bruce Engineering, Econolite, or Tektronix.

The foregoing statement is made under penalty of perjury under the laws of the State of Washington and is true and correct.

Signed at Seattle, Washington on this 16th day of May, 2019.

s/Dana C. Kopij
Dana C. Kopij, WSBA #31648

DECLARATION OF DANA C. KOPIJ IN SUPPORT OF
DEFENDANT WEIR VALVES & CONTROLS USA, INC. d/b/a
ATWOOD & MORRILL CO., INC.'S MOTION FOR SUMMARY
JUDGMENT - 2
(Case No. 3:18-cv-5536)

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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury of the laws of the State of Washington that on the below date, I electronically filed the foregoing document with the Clerk of the court using the electronic filing system, which will send notification of such filing to all counsel of record.

Signed at Seattle, Washington this 16th day of May, 2019.

s/Jaimisha Steward

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DECLARATION OF DANA C. KOPIJ IN SUPPORT OF
DEFENDANT WEIR VALVES & CONTROLS USA, INC. d/b/a
ATWOOD & MORRILL CO., INC.'S MOTION FOR SUMMARY
JUDGMENT - 3
(Case No. 3:18-cv-5536)

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Exhibit 1

THE HONORABLE KATHRYN J. NELSON

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

ERIC KLOPMAN-BAERSELMAN,
individually and as Personal Representative
of RUDIE KLOPMAN-BAERSELMAN,
deceased; MURIEL KLOPMAN-
BAERSELMAN, THOMAS SHANE, and
STEVEN GARRET,

Plaintiffs,

v.

3M COMPANY, et al.,

Defendants.

CASE NO.: 17-2-12622-1

PLAINTIFFS' RESPONSES TO
DEFENDANTS' FIRST SET OF
STYLE INTERROGATORIES

INTERROGATORIES

Background

1. Please provide the following for you and your spouse, if applicable:
 - a. Full name, including other names by which you have been known, including nicknames, maiden names, and aliases;
 - b. Date and place of birth, Social Security number, and all addresses at which you have lived during the past 20 years including your current address;
 - c. Dependents (including names, ages and relationship to you); and
 - d. Your current height and weight.

ANSWER:

- a. Rudie Klopman-Baerselman
 - b. January 11, 1937; Java, Surabaya, Indonesia; 571-60-2886; 492 Harder Rd., Washougal, WA 98671.
 - c. None.
 - d. 5'6", 175 lbs.
-
- a. Muriel Klopman-Baerselman.
 - b. March 7, 1940; Indonesia; 492 Harder Rd., Washougal, WA 98671.
 - c. Not applicable
 - d. Not applicable

Marital Status & Children

2. If you are or have been married, provide the following:
 - a. Full name, place of residence (i.e., city or town or specific address, if known), and date of marriage for each spouse (and date of divorce, if applicable);
 - b. The current occupation and income of your current spouse;
 - c. Names, ages and place of residence (i.e., city or town or specific address, if known) of children from each marriage; and
 - d. The present general state of health of your current spouse and each child listed above, or if deceased, the date and cause of death.

ANSWER:

- a. Connie Klopman-Baerselman;
 - b. Not applicable.
 - c.
 1. Steven Garret; 45 years old; 3352 Sky Road, Washougal, WA 98671.
 2. Eric Eugene Klopman-Baerselman; 44 years old; 40910 SE 30th Street, Washougal, WA 98671.
 3. Thomas Shane, 43 years old; 1004 Meadwood, Sandpoint, IH 83864
 - d. Connie died of a heart attack in 1995. Steven, Eric, and Thomas are generally in good health.s
-
- a. Murial Klopman-Baerselman; Washougal, Washington; 1997 - present.
Not applicable
Social Security: 531-43-2632
 - b. Not applicable.
 - c. Not applicable.

Family Members

3. Identify the following with respect to each of your parents, step parents, siblings, adopted siblings, and half-siblings:

- a. Name, place of residence (i.e., city or town or specific address, if known), relationship status, and age for each such person;
- b. Whether any of the persons listed above has suffered from cancer, bronchitis, emphysema, or any other respiratory, pulmonary or cardiovascular condition or any other serious health condition or illness if known;
- c. If deceased, the date, place, and cause of death for each person listed above, if known;
- d. Whether any of the persons listed above has been exposed to asbestos-containing materials, and if so, the details of such exposure.

ANSWER:

- a. Father: Steven Englebert Klopman Baerselman,
- b. Died of stomach cancer.
- c. 1949, stomach cancer.
- d. Unknown.
- a. Mother: Elvira Klopman Baerselman
- b. None.
- c. Died of malaria in approximately 1941 during the Japanese occupation of the Dutch East Indies.
- d. Unknown.
- a. Brother: Gerry Klopman-Baerselman,
- b. Lung cancer.
- c. Died in 1997 of lung cancer.
- d. Unknown.
- a. Half-sister: Millie Klopman-Baerselman
- b. Breast cancer.
- c. Not applicable.
- d. Unknown.
- a. Sister: Mary Klopman-Baerselman
- b. No cancer.
- c. Not applicable.
- d. Unknown.

1 Education

- 2 4. Please state the highest grade or last school or educational facility attended, including the
3 dates of attendance and degree attained, if applicable. (Include technical, vocational
training and correspondence courses.)

4 ANSWER:

5 High school: high school diploma or equivalency in Holland.

6 College: some college courses through Tektronix

7
8 Military Service

9 5. If you have ever served in the armed forces of any country, please state the following:

- 10 a. Country served;
- 11 b. Inclusive dates of service;
- 12 c. Branch of service;
- 13 d. Rank attained;
- 14 e. Type of duty;
- 15 f. Where duty was performed;
- 16 g. When you were discharged;
- 17 h. Type of discharge; and
- 18 i. Your serial number.
- 19 j. If ever rejected by the armed forces, state the date and reasons.

20 ANSWER:

21 a. – i. Not applicable. Mr. Klopman-Baerselman never served in the armed forces of any
country.

22 Other lawsuits, Proceedings, etc.

- 23 6. If you have ever been a party to any lawsuit (excluding this lawsuit), arbitration or
administrative agency action involving personal injury or illness, please state the following:

- a. The names and addresses of all plaintiffs, defendants and other parties, and each of their attorneys;
- b. The location and court, tribunal, arbitration board or administrative agency where each lawsuit, arbitration, or administrative agency action was filed;
- c. The cause or identifying file number;
- d. The approximate date of filing;
- e. The circumstances, nature and extent of the injuries or illnesses claimed; and
- f. The present status of each lawsuit, arbitration or administrative agency action, including the decision, award or ruling, if any.

ANSWER:

Mr. and Mrs. Klopman-Baerselman were involved in a car accident in 2013 and brought a lawsuit against the other driver who was at fault. It was resolved prior to the taking of any depositions.

Income

7. For each of the past ten (10) years please state the following:

- a. The amount of all income you received;
- b. The sources of all income you received (e.g., itemized as to each individual source);
- c. For each full-time job, your employer, type of work, your base rate of pay and overtime rate of pay, and the number of hours per week which you normally worked including how much of this was compensated as overtime and whether you are currently engaged in this employment; and
- d. For each part time job, your employer, type of work, your rate of pay received for such work, the total hours or days you worked part time and whether you are currently engaged in this part time employment.

ANSWER:

Monthly pension income: approximately \$1,600/month;
 Monthly Social Security Income: approximately \$1,700/month;
 Other income: approximately \$3-400/month from annuities.

1 Expert Witnesses

2 8. For each expert witness you expect to call at trial, please state the following:

- 3 a. The name, address, and occupation of each expert witness;
- 4 b. The subject matter on which such expert witness is expected to testify;
- 5 c. The substance of the facts and opinions to which such expert witness is expected
- 6 to testify; and
- 7 d. A summary of the grounds for each such opinion.

8 ANSWER:

9 Objection. This interrogatory seeks the premature disclosure of expert information. Subject to and without waiving the foregoing objections, plaintiffs respond as follows:

10 Likely Drs. Brodtkin, Dr. Brody, Dr. Castleman, Dr. Staggs, Dr. Maddox, Robert W. Johnson, Susan Raterman, Sean Fitzgerald, and others as revealed by further investigation and discovery.

11 Smoking History

12

13 9. If you have smoked or used tobacco products during your lifetime, please describe your

14 smoking history in detail (e.g., give specific information about the time period you smoked, amount smoked, whether or not you inhaled, type of tobacco product, brand names, etc.)

15 ANSWER:

16 Objection. This interrogatory seeks irrelevant information not reasonably calculated to

17 lead to the discovery of admissible evidence. It is overbroad and compound. It may seek the

18 premature disclosure of expert opinion. It seeks impermissible and inadmissible character

19 evidence, not reasonably calculated to lead to the discovery of admissible evidence. If the

20 information sought had any minimal relevance, and plaintiffs contend it does not, its probative

21 value would be substantially outweighed by the danger of unfair prejudice, confusion of the

22 issues, and misleading the jury, thus causing undue delay and waste of time. [WA E.R. § 403.]

23 Subject to and without waiving the foregoing objections, plaintiffs respond as follows:

Mr. Klopman-Baerselman began smoking in approximately 1946 at age 9 while in an Indonesian concentration camp. He smoked Dutch hand-rolled tobacco. When Mr. Klopman-Baerselman began smoking there were no warnings about cancer on tobacco products. He smoked Drum, a brand of hand-rolling tobacco. He smoked approximately 6-7 cigarettes per day.

Employment

10. For each employer for whom you have ever worked (including self-employment and part time employment) please identify:

- a. In chronological order, the beginning and ending dates of each period of employment;
- b. The place of each such employment;
- c. The nature of the business for each such employment; and
- d. Your particular title or job description or function for each such employment.

ANSWER:

- a. Royal Dutch Lloyd, 1955 - 1959
- b. Indonesia
- c. Merchant Marine
- d. Oilman

- a. Bruce Engineering, 1960 – 1964
- b. Gardena, CA
- c. Subcontractor for North American Aviation
- d. Fabricating parts for the XB-70 Valkyrie aircraft

- a. Econolite, 1964 – 1967
- b. Englewood, CA
- c. Manufacture of traffic signals
- d. Unknown, but Rudie performed wiring and soldering work.

- a. Tektronix, 1967 – 1998
- b. Beaverton, OR
- c. Precision instrument production firm.
- d. Maintenance tech.

Asbestos Exposure/Jobsites

11. Identify each job site or ship (referencing its specific location and the dates of your employment) at which you claim exposure to asbestos-containing products and your occupation or trade at each job site.

ANSWER:

On information and belief, Rudie Klopman-Baerselman may have been exposed to the defendants' asbestos-containing products while working as an oilman in the merchant marines from 1955 to 1959. Mr. Klopman served aboard three steam-driven ships: (1) the SS Friesland, formerly the USS Niantic (CVE-46), (2) the SS Waterman, formerly the U.S. built SS LaGrande Victory, and (3) the SS Kertosono. Mr. Klopman-Baerselman was also exposed to defendants asbestos-containing brakes, clutches, and gaskets through his own automotive work. Investigation and discovery are continuing.

On information and belief, Rudie worked as an auto mechanic at Brown's Chevron in Camas, WA, for a number of years in the 1960s.

State separately for each job site or ship enumerated in your response to Interrogatory No. 11, the following:

- a. The name and address of your employer;
- b. The names of each contractor that brought, installed, or used the asbestos or asbestos-containing product on the job site, the date, and the contractor that is related to your exposure;
- c. The nature of your exposure to asbestos containing products (include job title, duties performed, and details as to whether exposure occurred during rip-out, repair, new construction, etc.);
- d. The names of the manufacturers, sellers, distributors and/or the brand names of the asbestos-containing products to which you were exposed and the dates you claim exposure to each product;
- e. The names and addresses of co-workers and supervisors/foremen;
- f. The name, address and telephone number of every witness who can identify asbestos-containing product(s) at the site. For each such witness, also please identify which specific products they will identify at each specific jobsite. (If you are relying on a deposition of the witness, please identify it.);
- g. Whether during the course of that employment you were advised, warned or made aware in any manner that exposure to or inhalation of, asbestos dust and fibers could have an adverse affect on your health. If so, for each such advice, warning or awareness, state who advised you, where you were advised, when you were

advised, how you were advised, and the nature of the advice, warning or awareness that you were given;

- h. Whether respiratory safety equipment (e.g., masks, respirators, suckers, blowers, etc.) was either required, made available to you, or recommended by your employer, supervisor or anyone else at the job site;
- i. Whether your employer provided showers or separate lockers for work and personal clothing; and
- j. Whether company sponsored physical examinations were required or made available to you by each employer, and if so, the nature and frequency of such examinations. If known, state the names and addresses of the examining doctor or facility.

ANSWER:

On information and belief, Rudie Klopman-Baerselman may have been exposed to the defendants' asbestos-containing products while working as an oilman/stoker in the boiler room in the merchant marines from 1955 to 1959. Mr. Klopman-Baerselman served aboard three steam-driven ships: (1) the SS Friesland, formerly the USS Niantic (CVE-46), (2) the SS Waterman, formerly the U.S. built SS LaGrande Victory, and (3) the SS Kertosono. On information and belief, Rudie was exposed to asbestos from the boilers on the Friesland, which were manufactured by Foster Wheeler. Rudie was also exposed to asbestos from turbines manufactured by General Electric, valves manufactured by Crane Co. and Atwood & Morrill, pumps manufactured by Viking and Ingersoll-Rand, as well as compressors manufactured by Ingersoll-Rand. Rudie was never aboard a ship in dry dock or during an overhaul of any type.

Mr. Klopman-Baerselman was also exposed to defendants' asbestos-containing brakes, clutches, and gaskets through his own automotive work, and on information and belief, as a professional auto mechanic.

Mr. Klopman-Baerselman never saw a warning about asbestos on any product, and he was never warned about the hazards of asbestos.

Plaintiffs have no further information responsive to this interrogatory at this time. Discovery and investigation are ongoing.

12. If you contend you were exposed to asbestos or asbestos products under circumstances outside of your employment, please state the following:

- a. The physical location, place and circumstances of this exposure;
- b. The trade name, manufacturer, product type, and product contents to which you believe you were exposed;
- c. The dates you contend you came into contact with each such product; and

- d. The names and addresses of all persons who have knowledge or witnessed this exposure.

ANSWER:

Rudie Klopman-Baerselman was exposed to asbestos while performing automotive repair and replacement work from approximately 1960 to 2002. He drove at least 100 miles per day to work for over 30 years. He performed brake, clutch, and gasket work on many of his own vehicles, including the following:

- 1950 Oldsmobile 88
- 1955 Cadillac
- 1956 Oldsmobile 88
- 1958 Pontiac Bonneville
- 1960s Cadillac
- 1961 BMW motorcycle
- 1966 Toyota Corona
- 1966 Chevy pickup
- 1967 Chevy pickup
- 1969 Toyota Corolla
- 1969 Chevy pickup
- 1969 Oldsmobile vista cruiser
- 1970 Toyota Corona
- 1970 Chevy pickup
- 1971 Toyota Celica
- 1971 Toyota Corolla
- 1971 Ford pickup
- 1972 Toyota Corona
- 1972 Toyota Corolla
- 1972 Chevy truck
- 1976 Toyota Corona
- 1976 Chevy pickup
- 1976 Ford motorhome
- 1976 Datsun station wagon
- 1976 Oldsmobile station wagon
- 1977 Toyota Pickup
- 1979 Toyota Celica
- 1979 VW Ciracco
- 1980 Toyota Celica
- 1980 Toyota Corolla
- 1981 Toyota pickup
- 1981 Toyota Corolla
- 1981 Datsun pickup
- 1981 Ford mustang

- 1982 Toyota Corolla
- 1983 Toyota Tercel
- 1983 Datsun pickup
- 1984 Toyota Tercel
- 1984 Nissan pickup
- 1986 Datsun pickup
- 1986 Nissan pickup
- 1988 Toyota Camry
- 1991 Ford pickup
- 1993 Dodge pickup
- 1993 Toyota Tercel
- 1997 Toyota Four Runner
- 2002 Toyota RAV4
- 2016 Toyota Highlander

Rudie performed hundreds of additional brake, clutch, and gasket jobs on the vehicles of customers, friends, and family members. He worked on cars and trucks his entire life.

Rudie bought asbestos-containing brakes, clutches, and gaskets from NAPA, Car Quest, O'Reilly's (f/k/a Schuck's Auto Parts), Cost Less Auto Parts, and Toyota.

Rudie worked with Bendix and Rayloc brand brakes. The Rayloc brakes included asbestos-containing linings manufactured by Pneumo Abex, EIS, and Bendix.

Rudie worked with gaskets manufactured by Victor and Fel-Pro.

Rudie worked with clutches manufactured by Borg Warner. He also purchased clutches from Toyota.

Rudie was exposed to asbestos at the NAPA store in Camas, Washington. The store had a machine shop with a brake grinder where Rudie regularly went to purchase brakes and get them ground. He was exposed to asbestos as a bystander while NAPA employees ground his brakes with no breathing protection.

Rudie sanded, grinded, abraded brakes and clutches and used compressed air when performing automotive work. He used scrapers, sand paper, and electric grinders to remove Victor and Fel-Pro gaskets, as well as compressed air.

Rudie built the family home in Washougal, Washington, in the mid-1970s. He also performed maintenance work on his previous home in the early 1970s. He used Henry roofing cement and DAP caulking compound during his home construction and maintenance work. He repeatedly removed and replaced these materials over the years.

Eric Klopman-Baerselman, Thomas Shane, Steven Garrett, and Ray Smith witnessed some of Rudie's automotive and home remodel and construction work.

Union Membership

13. If you are currently or ever have been a member of any professional association, labor union or other trade, labor or employment organization, please state the following:

- a. The name and address of such union or labor organization, including local designation and dates of membership;
- b. The type of work that you are or were authorized to perform by virtue of this membership;
- c. Whether you received any newspapers, newsletters or other publications from this union or labor organization and if so, the title(s) of the publications, and the time period, including dates during which you received such publications;
- d. Whether or not you were ever informed during meetings or through publications offered by the union of possible hazards associated with your job, and specifically those hazards associated with exposure to asbestos dust; and
- e. Whether or not there were any medical screening programs offered or encouraged by your union, and whether you took part in any such program. If you took part, list the names of the facilities where the examinations took place and the names of the participating physicians, if known.

ANSWER:

- a. IBEW from approximately 1962-1963.
- b. Electrical.
- c. Not applicable.
- d. Not applicable.
- e. Not applicable.

Retirement

14. If you are currently retired from full time employment, please state the following:

- a. The date upon which you retired from full time employment;
- b. The reasons for your retirement; and
- c. The nature and amount of any benefits received as a result of your retirement.

ANSWER:

- a. Approximately 1998
- b. Normal retirement
- c. Not applicable.

Asbestos-Related Documents

15. Provide the following with respect to the asbestos-related disease which forms the basis of this lawsuit. (Do not refer defendants to your medical records. Provide specific answers.):

- a. Nature of asbestos-related disease;
- b. Date disease was diagnosed;
- c. Physician or health care facility diagnosing the asbestos-related condition; and
- d. Physicians or health care facilities which have provided care or treatment for the asbestos-related condition since diagnosis.

ANSWER:

- a. Malignant mesothelioma.
- b. July 11, 2017
- c. Peacehealth Medical Group; Compass Oncology; and Columbia Imaging in Vancouver, Washington.
David A. Smith, M.D.
Rita Williams, NP-C
Jonathan Dykstra M.D.
Daniel R, Kocarnick, M.D.
Julia Longo, M.D.

Health Care Providers

16. With respect to each doctor or health care provider who has examined or treated you for any respiratory condition during your lifetime or for any other health condition during the past 25 years, state the following:

- a. The name and address of each such doctor or health care provider;
- b. The reasons that you were seen by each doctor or health care provider;
- c. The type of examination or nature of treatment that was given to you by each doctor or health care provider; and
- d. The date or dates on which you were examined or treated by each doctor or health care provider.

ANSWER:

- a. Jonathan J. Dykstra, M.D. at Peacehealth in Vancouver, WA
- b. Primary Care Physician
- c. Various
- d. Dr. Dykstra was Rudie's primary care physician for a number of years.

Workers' Compensation/Disability Claims

17. If you have filed a state or federal workers' compensation claim, a social security claim or a disability claim with any other entity for benefits as a result of your alleged asbestos-related disease or for any other reason, please state the following:
 - a. The date the claim was filed and its nature (i.e., Washington Department of Labor & Industries claim, Federal Department of Labor claim, Longshoreman's claim, Social Security, etc.);
 - b. The file number of your claim(s);
 - c. The status of your claim(s) (i.e., whether you are receiving benefits, your claim has been denied, etc.); and
 - d. The nature of the disability for which you filed the claim.

ANSWER:

Not applicable

Special Damages

18. Please state the following for each and every special damage amount (including wage loss, if any, and medical bills) which you allege as a result of your asbestos-related injury:
 - a. Special damage amount;
 - b. Basis for this amount; and
 - c. Whether you have any documentation to support this special damage amount. (If so, please provide the documentation.)

ANSWER:

Plaintiffs are currently gathering information and documentation regarding their special damages and will supplement this interrogatory once they have obtained the responsive

PLAINTIFFS' RESPONSES TO DEFENDANTS' FIRST SET OF
STYLE INTERROGATORIES - 14

1 information and documentation. On information and belief, Rudie Klopman-Baerselman's
2 medical bills incurred today are between \$100,000 and \$150,000. Investigation and discovery
3 are continuing.

4 ANSWERS to the FOREGOING INTERROGATORIES were submitted this 5th
5 day of June, 2018.

6 DEAN OMAR BRANHAM, LLP

7 s/ Benjamin H. Adams

8 Benjamin H. Adams, CA Bar No. 272909

9 *Admitted Pro Hac Vice*

10 302 N. Market Street, Suite 300

11 Dallas, Texas 75202

12 Telephone: (214) 722-5990

13 Facsimile: (214) 722-5799

14 Counsel for Plaintiffs

15 And

16 WEINSTEIN COUTURE PLLC

17 Brian D. Weinstein, WSBA # 24497

18 Benjamin R. Couture, WSBA # 39304

19 Alexandra B. Caggiano, WSBA # 47862

20 601 Union Street, Suite 2420

21 Seattle, Washington 98101

22 Telephone: (206) 508-7070

23 Facsimile: (206) 237-8650

Counsel for Plaintiffs

Exhibit 2

May 07 2018 2:23 PM

THE HONORABLE KATHRYN J. NELSON

Trial Date: October 25, 2018
KEVIN STOCK
COUNTY CLERK

NO: 17-2-12622-1

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

RUDIE KLOPMAN-BAERSELMAN and
MURIEL KLOPMAN-BAERSELMAN,
Husband and Wife,

Plaintiffs,

v.

3M COMPANY, et al.

Defendants.

NO. 17-2-12622-1

PLAINTIFFS' DISCLOSURE OF
PRIMARY WITNESSES

I. EXPERT WITNESSES

Plaintiffs identify the following expert witnesses:

- Andrew Brodtkin, M.D., occupational medicine doctor/specific causation;
- Arnold Brody, Ph.D., cell biologist/general causation;
- Barry Castleman, ScD, state of the art;
- Robert W. Johnson, MBA, economist.
- Susan Raterman, certified industrial hygienist;
- Brent Staggs, M.D., diagnosing pathologist.

Discovery is ongoing and Plaintiffs' list of experts may not be fully inclusive at this time.

Plaintiffs reserve the right to amend and/or supplement their list of expert witnesses. Plaintiffs

1 also reserve the right to use and offer any transcript at any time of the expert witnesses identified
2 in this action by the Plaintiffs or any Defendant in this matter.

3 II. TREATING PHYSICIANS

4 Plaintiffs reserve the right to call as witnesses any doctors who have examined Rudie
5 Klopman-Baerselman or reviewed his medical records. However, if Defendants choose to
6 depose these doctors, they should make the arrangements directly with the physicians
7 themselves.

8 III. PRODUCT IDENTIFICATION WITNESSES

9 A. WITNESSES

- 10 1. Muriel Klopman-Baerselman
11 *Contact through undersigned counsel*

12 Mrs. Klopman-Baerselman will testify regarding her husband's work with
13 automotive friction products, as well as regarding economic and noneconomic
14 damages. She was deposed on April 25, 2018.

- 15 2. Eric Klopman-Baerselman
16 *Contact through undersigned counsel*

17 Eric Klopman-Baerselman will testify regarding his father's automotive and
18 household construction work, as well as regarding economic and noneconomic
19 damages.

- 20 3. Steven Garret
21 *Contact through undersigned counsel*

22 Steven Garret will testify regarding his father's automotive and household
23 construction work, as well as regarding economic and noneconomic damages.

4. Thomas Shane
5 *Contact through undersigned counsel*

6 Thomas Shane will testify regarding his father's automotive and household
7 construction work, as well as regarding economic and noneconomic damages.

- 8 5. Ray Smith
9 *May be contacted at (360) 513-0175*

1 Mr. Smith, a co-worker of Rudie Klopman-Baerselman's, will testify about his
2 observations of Mr. Klopman-Baerselman's work with and around asbestos-
3 containing automotive products.

4 **B. CAVEAT REGARDING PRODUCT IDENTIFICATION WITNESSES**

5 Plaintiffs specifically note that discovery is ongoing and Plaintiffs will seasonably
6 supplement this disclosure upon determining which additional witnesses, if any, they will call at
7 trial. Plaintiffs reserve the right to call as coworker witnesses any other witnesses discovered
8 upon further investigation and discovery.

9 **IV. OTHER WITNESSES**

10 Plaintiffs intend to call Defendants' respective CR 30(b)(6) witnesses at trial live and/or
11 by deposition. Plaintiffs also anticipate that they will call live and/or by deposition one or more
12 of Defendants' CR 43(f) representatives. Furthermore, Plaintiffs anticipate that they will call
13 live and/or by deposition past or current employees or agents of the Defendants.

14 Discovery is ongoing and Plaintiffs will designate all such deposition testimony prior to
15 trial in accordance with the Case Scheduling Order. Plaintiffs identify the witnesses herein
16 without prejudice to Plaintiffs' right to call any additional discovered witnesses at trial if such
17 witnesses and/or transcripts are later discovered or if their testimony becomes necessitated by
18 further developments in the case. Plaintiffs reserve the right to call any witnesses disclosed by
19 any defendant. Plaintiffs reserve the right to use any and all listed witnesses against any and all
20 named Defendants.

21 ///

23 ///

1 DATED this 7th day of May, 2018.

2
3 DEAN OMAR & BRANHAM, LLP

4 s/ Benjamin H. Adams

5 Jessica M. Dean, TXSB No. 24040777

6 Benjamin H. Adams, CASB No. 272909

7 *Admitted Pro Hac Vice*

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12 Counsel for Plaintiffs

13 And

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18 601 Union Street, Suite 2420

19 Seattle, Washington 98101

20 Telephone: (206) 508-7070

21 Facsimile: (206) 237-8650

22 Counsel for Plaintiffs

Exhibit 3



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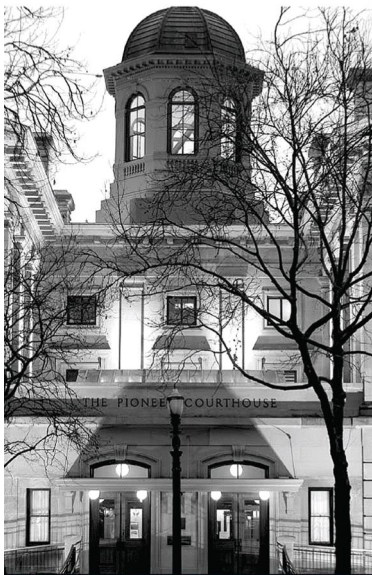
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DEPOSITION AND TRIAL



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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

RUDIE KLOPMAN-BAERSELMAN
AND MURIEL KLOPMAN-
BAERSELMAN, HUSBAND AND
WIFE,

PLAINTIFFS,

VS.

CASE NO.: 17-2-12622-1

3M COMPANY, ET AL.,

DEFENDANTS.



DEPOSITION OF
MURIEL KLOPMAN-BAERSELMAN

TAKEN ON
WEDNESDAY, APRIL 25, 2018
10:00 A.M.

NAEGELI DEPOSITION AND TRIAL
111 SOUTHWEST FIFTH STREET, SUITE 2020
PORTLAND, OREGON 97204

1 have a few followup questions.

2 Do you have any personal knowledge regarding the
3 brand names of any products or equipment with which your
4 late husband worked when he was in the Dutch Merchant
5 Marines?

6 MR. ADAMS: Object to the form.

7 THE WITNESS: No, I don't know.

8 BY MS. FRASER:

9 Q And do you have any personal knowledge regarding
10 the brand name or manufacturer of any products or equipment
11 with which your late husband worked at Tektronix?

12 A I also have no idea.

13 Q In what year did Rudie retire?

14 A 1998.

15 Q Okay. And he retired from Tektronix?

16 A Yes.

17 Q Before Rudie passed away, did he have any other
18 sources of income other than the Tektronix pension that you
19 already described?

20 MR. ADAMS: Object to the form.

21 THE WITNESS: He also had Social Security and
22 that's all I know.

23 BY MS. FRASER:

24 Q Do you know how much per month he was collecting
25 in Social Security?

1 husband's work at Bruce Engineering.

2 Do you have any information regarding your
3 husband's employment at Bruce Engineering between 1960 and
4 1964?

5 A I do not know. At that time I was in Thailand.

6 Q Do you know what work he did there at Bruce
7 Engineering?

8 A I was not married with him at that time. I do not
9 know much about it.

10 Q Do you have any knowledge regarding the brand
11 names or manufacturers of any equipment or products with
12 which your husband worked at Bruce Engineering?

13 A No.

14 MS. KOPIJ: That's all I have. Thank you for your
15 time.

16 MR. ADAMS: Does anyone on the phone have
17 questions?

18 MS. PEARSON: This is Patty Pearson. I just have
19 a few questions.

20 MR. ADAMS: Okay. Go ahead.

21 EXAMINATION

22 BY MS. PEARSON:

23 Q Good afternoon. My name is Patty Pearson. I
24 represent one of the defendants and I have just a few
25 followup questions for you.

Exhibit 4



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IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR PIERCE COUNTY

ERIC KLOPMAN-BAERSELMAN, as Personal
Representative for the Estate of
RUDIE KLOPMAN-BAERSELMAN, deceased,

Plaintiffs,

VS.

AIR & LIQUID SYSTEMS
CORPORATION, et al.,

Defendants.



CASE NO. 17-2-12622-1

DEPOSITION OF

ERIC KLOPMAN-BAERSELMAN

TAKEN ON
FRIDAY, JULY 13, 2018
10:08 A.M.

BEST WESTERN PLUS - VANCOUVER MALL
9420 NORTHEAST VANCOUVER MALL DRIVE
VANCOUVER, WASHINGTON 98862

1 A. No.

2 Q. And you have no personal knowledge of where he
3 boarded any of the ships?

4 A. No.

5 Q. And you also have no personal knowledge of the
6 purpose of any voyage of the ships that he was on?

7 A. So I guess when you say -- I have some, like,
8 manifests, you know, and stuff like that. You guys should
9 have all that, right?

10 Q. Sure.

11 A. Is that knowledge?

12 Q. Sure.

13 A. I mean, I don't know.

14 Q. Those are documents.

15 A. Okay. So I have knowledge of documents. How is
16 that?

17 Q. Sure. Okay. And you -- you are not aware of any
18 particular equipment or manufacturers of equipment that were
19 on any of -- or alleged to be on any of the vessels on which
20 he sailed?

21 A. No. Just what we kind of talked about.

22 Q. Okay. And did he talk about any specific
23 equipment?

24 A. He talked about one being steam-driven.

25 Q. Okay. The ship itself?

1 A. Yeah. That was it.

2 **Q. Did he say anything else?**

3 A. No. I mean, it was pretty vague, you know. So,
4 no.

5 **Q. Okay. And what -- how was it that the**
6 **conversation about it being steam-driven?**

7 A. Because I was working on a steam turbine at the
8 time.

9 **Q. Okay.**

10 A. And he got to talking about that and --

11 **Q. And did he discuss any particular manufacturers**
12 **with you?**

13 A. No.

14 **Q. No?**

15 A. (Shakes head negatively.)

16 **Q. Okay. Do you know whether your dad ever kept a**
17 **journal or a diary about what was going on during his life?**

18 A. Not that I'm aware of.

19 **Q. Okay. Do you know if your dad kept in touch with**
20 **any of his former coworkers from when he was a Merchant**
21 **Marine?**

22 A. I know he did for a while, because I remember him
23 talking about one living in Australia or something. You
24 know, I was pretty young, you know, 18 or in my 20s.

25 **Q. Okay. And do you recall the names of any**

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UNITED STATES DISTRICT COURT WESTERN DISTRICT OF
WASHINGTON AT TACOMA

ERIC KLOPMAN-BAERSELMAN, AS
PERSONAL REPRESENTATIVE FOR THE
ESTATE OF RUDIE KLOPMAN-BAERSELMAN,
DECEASED,

PLAINTIFFS,

v.

CASE NO.3:18-cv-5536-RJB

AIR AND LIQUID SYSTEMS
CORPORATION, ET AL.,

DEFENDANTS.

DEPOSITION OF

THOMAS KLOPMAN

TAKEN ON
WEDNESDAY, DECEMBER 5, 2018
10:04 A.M.

BEST WESTERN EDGEWATER
56 BRIDGE STREET
SANDPOINT, IDAHO 83864

1 **MS. WALDENBERG:** Just reviewing my notes. Give me
2 one more minute. That's all the questions I have for you.
3 I appreciate your time.

4 **MR. ADAMS:** Let's go off the record for a second.

5 (Discussion held off the record.)

6 (Adjournment for lunch.)

7 **MR. ADAMS:** Are you ready? We are ready when you
8 are.

9 **EXAMINATION**

10 **BY MS. KOPIJ:**

11 **Q.** My name is Dana Kopij. I represent one of the
12 defendants. I have some blanket questions I want to ask but
13 I believe were touched on during the first day of your
14 deposition in July, but I just want to get them out on the
15 record clearly.

16 Do you have any personal knowledge regarding the
17 brand names or equipment of any -- strike that.

18 Do you have any personal knowledge regarding the
19 brand names or manufacturers of any equipment or products
20 that your dad worked with or around during his service in
21 the Dutch Merchant Marines?

22 **A.** I don't.

23 **Q.** Do you have any personal knowledge regarding the
24 brand names or manufacturers of any equipment or products
25 that your dad worked with or around during his employment

1 with Bruce Engineering, which I believe was from 1960 to
2 1964?

3 A. I don't.

4 Q. Do you have any personal knowledge regarding the
5 brand names or manufacturers of any equipment or products
6 that your dad worked with or around during his employment
7 with E-Conolight?

8 A. I don't.

9 Q. Do you have any personal knowledge regarding the
10 brand names or manufacturers of any equipment or products
11 that you dad worked with or around during his employment
12 with Tectronix?

13 A. I don't.

14 MS. KOPIJ: Thank you, sir. That's all I have.

15 MR. ADAMS: Anyone else on the phone who has
16 questions for the witness?

17 MS. ADHIKARI: I just have one question actually -
18 - or maybe just one. This is Samantha Adhikari, calling for
19 Walsworth on behalf of Viking.

20 MR. ADAMS: Go ahead.

21 EXAMINATION

22 BY MS. ADHIKARI:

23 Q. Hello sir, how are you today?

24 A. Good. How are you doing?

25 Q. Good. I just want to ask you, sir, do you have

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IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR PIERCE COUNTY

ERIC KLOPMAN-BAERSELMAN, as Personal
Representative for the Estate of
RUDIE KLOPMAN-BAERSELMAN, deceased,

Plaintiffs,

vs.

CASE NO. 17-2-12622-1

AIR & LIQUID SYSTEMS
CORPORATION, et al.,

Defendants.

VOLUME II

DEPOSITION OF

RAY SMITH

TAKEN IN
FRIDAY, DECEMBER 21, 2018
10:00 A.M.

HAMPTON INN
315 SOUTHEAST OLYMPIA DRIVE
VANCOUVER, WASHINGTON 98684

1 A. Oh, yes.

2 Q. What information do you have about that?

3 A. Well, I just know that we -- you know, there's a
4 lot of kitchen, like I said, dishwashers and, you know, our
5 appliances, that sort of thing.

6 Q. Other than home appliances, do you have any
7 information about Mr. Klopman working with or around any
8 Westinghouse equipment?

9 A. No.

10 MS. FRASER: Okay. I think that's all I have,
11 then. Thank you.

12 MR. ADAMS: Can the people on the phone who have
13 Merchant Marine clients ask questions. We're waiting on --

14 MS. KOPIJ: Do you want me to go, Ben? This is
15 Dana.

16 MR. ADAMS: That'd be great.

17 MS. KOPIJ: Can you hear me, Mr. Smith?

18 THE WITNESS: Yes, I can.

19 EXAMINATION

20 BY MS. KOPIJ:

21 Q. Okay. Good morning. My name is Dana Kopij. I'm
22 sorry I'm not there in person. I have just some very brief
23 questions. It's my understanding from your prior answers
24 that you have no personal knowledge regarding the brand
25 names or manufacturers of any equipment or products that

1 **Rudie Klopman-Baerselman worked with or around during his**
2 **work in the Dutch Merchant Marines; is that correct?**

3 A. That's correct.

4 **Q. Do you have any personal knowledge regarding the**
5 **brand names or manufacturers of any equipment or products**
6 **that Mr. Klopman-Baerselman worked with or around during his**
7 **employment with Bruce Engineering from 1960 to 1964?**

8 A. No.

9 **Q. Do you have any personal knowledge regarding the**
10 **brand names or manufacturers of any equipment or products**
11 **that Mr. Klopman-Baerselman worked with or around during his**
12 **employment with Econolite from 1964 to 1967?**

13 A. Somewhat as far as he worked together with my dad
14 at that company. I was very young --

15 **Q. Do you have any personal knowledge regarding the**
16 **brand name or manufacturers of any of the equipment or**
17 **products that he worked with or around at that employment?**

18 **MR. ADAMS:** Sorry, Dana. He wasn't finished with
19 his answer. I know it's hard on the phone.

20 **MS. KOPIJ:** Oh, I'm sorry. I didn't mean to
21 interrupt you.

22 **THE WITNESS:** That's okay. I just knew that he
23 worked with electrical -- you know the electrical parts, the
24 electrical boxes. Other than that, there was some paint
25 involved. I'm not sure what kind of paint it was. I know

1 he did some painting.

2 **BY MS. KOPIJ:**

3 **Q. Okay. Are you done with your answer, sir?**

4 **A. Yes.**

5 **Q. Okay. I just didn't want to overstep. Do you**
6 **know the brand names or manufacturers of any of the**
7 **equipment or products that Mr. Klopman-Baerselman worked**
8 **with or around during that employment at Econolite?**

9 **A. No.**

10 **Q. Okay. And other than those products you**
11 **identified in your deposition testimony yesterday with**
12 **respect to Tektronix, do you have any personal knowledge**
13 **regarding any other brand names or manufacturers of**
14 **equipment or products that Mr. Klopman-Baerselman worked**
15 **with or around during his employment at Tektronix?**

16 **A. Well, we used all kinds of brands as far as**
17 **equipment. I would say hundreds and hundreds of different**
18 **things from all over the world.**

19 **Q. Okay. Other than the names that you gave us**
20 **yesterday, can you think of any other brand names of**
21 **equipment or manufacturers of equipment?**

22 **A. No. I can't remember. I can't remember the**
23 **names.**

24 **Q. Okay. Thank you.**

25 **A. I can see these -- this equipment in my mind but I**

1 can't remember the names.

2 **MS. KOPIJ:** Okay. Thank you, sir. That's all I
3 have at this time.

4 **MR. ADAMS:** Anyone else on the phone who is going
5 to be pretty quick?

6 **MR. CLONTS:** This is Kevin --

7 **MS. WILLIAMS:** Yeah, me.

8 **MR. CLONTS:** Let me go first here, real quick.

9 **EXAMINATION**

10 **BY MR. CLONTS:**

11 **Q. This is Kevin Clonts. I was in the room with you**
12 **yesterday, sir. Do you have any personal knowledge of the**
13 **tools, the brand name or manufacturer of the tools that Mr.**
14 **Klopman used during his time at Tektronix?**

15 **A. All right. You probably have to specify what kind**
16 **of tools because there, again, such a variety of tools. Are**
17 **you interested in just power tools or hand tools?**

18 **Q. Sure. Why don't we start with power tools.**

19 **A. Milwaukee -- pretty much all the main brands that**
20 **were out there. Milwaukee is one of the larger ones, the**
21 **most common one as far as saws, drills, that type of thing.**
22 **We had Northern Tool --**

23 **Q. What was that again, sir?**

24 **A. Northern Tools. I'm not sure --**

25 **Q. I'm sorry, could you spell that? It's hard to**